## REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. A complete listing of claims has been provided on pages 2 to 6 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

## I. Rejection of Claims 1-34 Under 35 U.S.C. §102(e)

Claims 1-34 stand rejected under 35 U.S.C. §102(e) as being anticipated by Carr, *et al.* (US 2004/0049401). It is requested that this rejection be withdrawn for at least the following reason. Carr, *et al.* fails to disclose or suggest each and every element recited in the subject claims.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that "***each and every element*** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

**Claim 1**

The subject matter claimed herein relates to a system for verifying a customer's age at a point-of-sale system to regulate the sale of age-restricted goods. Upon receiving identification from the customer, the machine data reader obtains and decodes data existing on the identification and generates a string related to the data that can be understood by a point-of-sale system. To this end, claim 1 recites a ***machine data reader containing a verification component that decodes the encoded data, extracts the age-related data information, and generates a data string compatible with a point-of-sale system***. Carr, *et al.* fails to disclose or suggest such a component.

Carr, *et al.* generally relates to obtaining information from identification documents – such as driver's licenses – and utilizing the information in security applications. More specifically, Carr, *et al.* discloses general exemplary environments where the system could be utilized. Many of the environments, particularly the one cited by the Examiner, utilize a web-cam to photograph the identification document and a separate system to evaluate, or decode, the

textual portion of the photograph in order to gather relevant information. (*See* pg. 3, paragraph [0059]). Thus, the capturing of the data and decoding of the data are performed in disparate systems – the decoding specifically performed at the point-of-sale system.

On the contrary, the subject matter as claimed in independent claim 1 recites a single device – the machine data reader and the components housed therein – as performing the data reading and decoding. Thus, the decoding does not need to be performed at the point-of-sale system as described in Carr, *et al.* Additionally, the subject matter claimed herein generates and delivers a point-of-sale system compatible string to the point-of-sale system. The system disclosed in Carr, *et al.*, however, merely discloses, "the web-cam captures optically-encoded data, and the terminal decodes the same." (*See* pg. 3, paragraph [0059]). In the Carr, *et al.* system, the device only gathers the data (in the form of an image) and submits it to the terminal for processing. Thus, it is up to the terminal to decode the image and attempt to discern relevant information from the image. This requires significant processing power and capability. The system claimed herein, however, does all of the work of gathering **and** decoding internally and submits only a data string to the point-of-sale system. It is readily apparent that Carr, *et al.* fails to disclose or suggest each and every element of claim 1.

**Claim 18 and 28**

Claim 18 of the subject application recites ***generating a string that is received by a point-of-sale system, the string identifying at least one of an age and range of ages of the individual***. However, the system in Carr, *et al.* as disclosed on pg. 3, paragraph [0059], the section cited by the Examiner, recites "the web-cam captures optically-encoded data, and the terminal decodes the same." The optically-encoded data that the web-cam captures is a picture. Since the terminal decodes this data, it is evident that the terminal receives the photo from the web-cam. On the contrary, the point-of-sale system recited in claim 18 receives an age-identifying string, not a picture. These forms of data are vastly different as the string is a primitive type that is simply-deciphered and space-efficient, whereas the picture is a large collection of pixels requiring advanced processing to display, much less discern text from it. Thus, it is readily apparent that Carr, *et al.* fails to disclose or suggest each and every element of claim 18.

Claim 28 recites a similar aspect of a component that ***generates a string that is acceptable by a point-of-sale system***. As discussed *supra*, Carr, *et al.* fails to disclose or suggest such aspects of the claimed subject matter.

For at least the forgoing reasons rejection of claims 1, 18, and 28, as well as claims 2-17, 19-27, and 29-34 which respectively depend therefrom, should be withdrawn.

## II. Rejection of Claims 1-34 Under 35 U.S.C. §102(e)

Claims 1-34 stand rejected under 35 U.S.C. §102(e) as being anticipated by Rogers (US 2003/0178487). It is requested that this rejection be withdrawn for at least the following reason. Rogers fails to disclose or suggest each and every element as recited in the subject claims.

As mentioned, the claimed invention generally relates to an age verification system that communicates age information received from an identification card to a point-of-sale system. To this end, independent claim 1 (and similarly independent claims 18 and 28) recites a machine data reader that ***generates a data string compatible with a point-of-sale system*** *based at least in part on the age-related data; and a component that relays the age-related data string to the point-of-sale system,* ***the point-of-sale system indexes the data string to a resident lookup table***. Rogers does not disclose such claimed aspects.

Rogers generally relates to an optical scanning unit that merely allows or denies use to a vending machine based on first inserting an identification card, such as a driver's license, before inserting payment. In particular, in the exemplary system disclosed in Rogers, when identification is inserted, the system uses complicated methods including optical character recognition (OCR) to discern the birth date present on the face of the identification document. If the individual is not of age or if the birth date cannot be recognized, the system will not allow the person to continue using the machine. This is contrary to the claimed invention which allows a purchaser to buy other items, just not the age-restricted goods for which she does not meet the criteria. Moreover, Rogers fails to disclose a system that ***generates a data string compatible with a point-of-sale system . . . the point-of-sale system indexes the data string to a resident lookup table***.

The subject matter claimed herein recites a component, the machine data reader that generates a point-of-sale compatible string from a piece of identification and a point-of-sale system that receives this data string and indexes it to a lookup table. Rogers does not

contemplate a point-of-sale system indexing anything, much less a data-string generated by a machine data reader, nor does it contemplate generating anything but a picture (as in Carr, *et al.*). Specifically, paragraph [0056] discloses obtaining a picture of identification through optical scanning, but goes on to state that "[t]his image may be sent to other parts of the system to be analyzed." Nowhere does Rogers disclose generating a point-of-sale compatible string from information gathered from the identification card as in the subject claims. In addition, the only data the point-of-sale system receives in Rogers is not data such as a string, but rather a signal – presumably analog – such as "vend enable." (*See* paragraph [0083]). Thus, the point-of-sale system in Rogers cannot be said to index a data string in a lookup table if it is not even capable of receiving such a string. Assuming *arguendo* that it could receive a data string, Rogers further fails to recite any sort of indexing accomplished by the point-of-sale system as recited in the subject claims. For at least the foregoing reasons, it is apparent that Rogers does not disclose or suggest a system that ***generates a data string compatible with a point-of-sale system . . . the point-of-sale system indexes the data string to a resident lookup table***.

In light of this, Rogers fails to teach or suggest each and every element as recited in independent claims 1, 18 and 28 (from which claims 2-17, 19-27, and 29-34 depend). Therefore, rejection of these claims should be withdrawn.

## CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP182US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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